

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Telephone
Company of Central Florida, Inc.
for resolution of items under
dispute in resale agreement with
BellSouth Telecommunications,
Inc.

DOCKET NO. 981052-TP
ORDER NO. PSC-99-0105-CFO-TP
ISSUED: January 22, 1999

ORDER GRANTING REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC.
FOR CONFIDENTIAL TREATMENT OF CD-ROM OF THE TELRIC CALCULATOR

On December 28, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a Notice of Intent to Request Specified Confidential Classification. On January 15, 1999, BellSouth filed its Request for Confidentiality. By its request, BellSouth asks that we specify as confidential a CD-ROM of the TELRIC Calculator (Document No. 14624-98 cross reference Document No. 00612-99) used to derive the results in Exhibit DDC-2, which was requested by Commission staff in Request No. 10 of Staff's First Expedited Request for Production of Documents. BellSouth has filed the CD-ROM in order to allow staff to have the information without delay. BellSouth states that it treats this information as confidential and proprietary information pursuant to Section 364.183, Florida Statutes. Thus, BellSouth argues that this information should be granted confidential treatment pursuant to Section 364.183, Florida Statutes.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Section 364.183(3), Florida Statutes, states, in pertinent part, that proprietary confidential business information is information that:

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. . . is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the information for which BellSouth seeks confidential classification is proprietary information that, if disclosed, would cause harm to the company or its ratepayers because it would impair BellSouth's ability to compete. It shall, therefore, be granted confidential treatment in accordance under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

Based on the foregoing, it is therefore

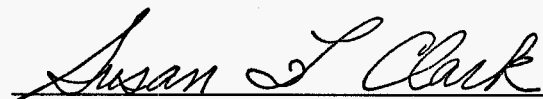
ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s request for confidential treatment of a CD-ROM of the TELRIC Calculator requested by Commission Staff in Request No. 10 of Staff's First Expedited Request for Production of Documents is hereby granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 22nd Day of January, 1999.



SUSAN F. CLARK
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.